

Commandment #5: Don't Be Too Nonchalant-Take It Seriously

Related Professionals

Dan Boyce
919.653.7825
dboyce@nexsenpruet.com

Practices

Litigation

Industries

Public Sector and Government

08.22.2019

I was recently asked to provide some practical advice to companies and executives about mistakes both prior to and after receiving notification that there's some criminal, regulatory or civil investigation. During the previous weeks I have detailed the first four of my "Ten Commandments on What NOT to do in a Governmental Investigation", with number five being the following:

Don't Be Too Nonchalant: Take it Seriously!

Rather than panicking, some targets, witnesses, or subjects of an investigation are too nonchalant. A cavalier attitude may cause more trouble than you would think. Being nonchalant could be translated as aloofness, insincerity or disrespect. It also may suggest to the investigator that the person is trying to cover something up. If a person is laughing or making wise cracks, it can be downright irritating to the investigator who takes his or her job seriously. Consequently, that investigator just might become a little more determined to pursue the individual. The nonchalant attitude might be relayed to the prosecuting attorney, judge or jury at a later and very critical moment. So the bottom line is you should take the comments made by law enforcement seriously and evaluate, as best you can, whether to seek the services of an attorney before answering any questions. A respectful and firm response on whether you are willing to speak to law enforcement is the appropriate reaction. The investigator is a human being and most are evaluating the person from the minute contact is made. If you are too nonchalant, it can send the wrong signals to the investigator. Always keep in mind if you get off on the wrong foot when the federal or state investigator comes asking questions, you may regret it for the rest of your life. Don't be too nonchalant. Be serious and respectful whether or not you are willing to answer questions.

Next Week: Commandment #6: Don't talk to law enforcement: maybe, maybe not

Our Insights are published as a service to clients and friends. They are intended to be informational and do not constitute legal advice regarding any specific situation